

MINUTES OF THE
CITY OF BURLINGTON
CITY COUNCIL MEETING
November 3, 2009
7:00 P.M.

The City Council of the City of Burlington held a regularly scheduled meeting in the Council Chamber, Municipal Building, 425 South Lexington Avenue, Burlington, N. C., 27216-1358, on November 3, 2009, at 7:00 p.m.

Mayor Ronnie K. Wall presided

Councilmembers Present: Mayor Wall, Councilmembers Huffman,
Butler and Sharpe

Councilmembers absent: None

Harold Owen, City Manager: Present

Robert M. Ward, City Attorney: Present

Jondeen D. Terry, City Clerk: Present

INVOCATION: Councilmember Jim Butler

PROCLAMATION: Arbor Day - November 12, 2009

RECOGNIZED LEADERSHIP OF ALAMANCE CLASS OF 2010

RECOGNITION: Burlington Parks and Recreation - Alamance County Mayor's Committee for Persons with Disabilities awarded to the Recreation Department for its programs for all ages with physical and mental disabilities.

APPROVAL OF MINUTES:

Mayor Wall called for approval of the City Council minutes of the meeting of October 20, 2009.

Upon motion by Councilmember Huffman, seconded by Councilmember Sharpe, it was resolved unanimously to approve the minutes of the meeting held on October 20, 2009.

ADD-ON: NEW BUSINESS - Authorization to Purchase Right-of-Way -
O'Neal Street Widening

ADOPTION OF AGENDA

Upon motion by Councilmember Huffman, seconded by Councilmember Sharpe, it was resolved unanimously to adopt the agenda with the add-on.

CONSENT AGENDA:

ITEM 1:

- A) To adopt a resolution authorizing condemnation proceedings to obtain an easement to relocate a fire hydrant located at 509 Trail Two as shown on Alamance County Tax Map 184-741, a portion of Lot 11, owned by Jeffrey L. Steere.

09-13

RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN PROPERTY OF
JEFFREY L. STEERE

WHEREAS, the governing body of the City of Burlington hereby determines that it is necessary and in the public interest to acquire certain property owned by Jeffrey L. Steere for the following public purpose: To relocate a fire hydrant at the corner of Trail Two and Trail Three.

WHEREAS, the proper officials or representatives of the City of Burlington have been unable to acquire the needed interest in this property by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BURLINGTON THAT:

1. The City of Burlington shall acquire by condemnation for the purpose stated above the property and interest described as follows:

A certain tract or parcel of land in Burlington Township, Alamance County, North Carolina, adjoining Trail Two, Trail Three and the lands of Jeffrey L. Steere, being more particularly described as follows:

BEGINNING at a point 5.14 feet from the existing iron stake at the intersection of the north right of way line

of Trail Three and the east right-of-way line of Trail Two, a corner with Jeffrey L. Steere and running thence from said beginning point with the east right-of-way line of Trail Two and the line of said Jeffrey L. Steere, N. 21 deg. 42' 24" W. 10.91' to a point in the existing east right-of-way line of Trail Two; thence from the said point a new line across the lands of Jeffrey L. Steere, N. 68 deg. 17' 36" E. 10.33' to a new point across the lands of Jeffrey L. Steere, thence from the said point a new line across the lands of Jeffrey L. Steere, S. 21 deg. 42' 24" E. 10.91' to a new point across the lands of Jeffrey L. Steere, thence from the said point a new line across the lands of Jeffrey L. Steere, S. 68 deg. 17' 36" W. 10.33' to the point of beginning and containing 113 sq. ft. and being as shown on the City of Burlington, Engineering Department Drawing No. 4122-09.

2. The attorneys representing the City of Burlington are directed to institute the necessary proceedings under Chapter 40A of the North Carolina General Statutes to acquire the property herein described.
- B) To approve the North Carolina Municipal Report of Fire Conditions for the Local Firemen's Relief Fund.
- C) To adopt an ordinance approving the following Traffic Commission recommendations:
- 1) To approve a 25 mile per hour speed limit for Westridge Drive as well as the dependent connecting streets of Westhampton Drive, Westhampton Court and Cobblestone Court.
 - 2) To approve a four-way stop at the intersection of Ross Street and Sharpe Road.
 - 3) To approve a stop sign at the Landon Court eastern approach to Bentley Road.
 - 4) To approve a stop sign on Phillips Street southern approach to Market Street.

09-18

AMENDMENT TO THE CITY OF BURLINGTON TRAFFIC ORDINANCE

BE IT ORDAINED by the City Council of the City of Burlington:

- 1) To approve a 25 mile per hour speed limit for Westridge Drive as well as the dependent connecting streets of Westhampton Drive, Westhampton Court and Cobblestone Court.

- 2) To approve a four-way stop at the intersection of Ross Street and Sharpe Road.
- 3) To approve a stop sign at the Landon Court eastern approach to Bentley Road.
- 4) To approve a stop sign on Phillips Street southern approach to Market Street.

That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed.

That this ordinance shall take effect upon passage.

- D) To temporarily close the following streets for the Downtown Lights Up annual Christmas event on December 4, 2009, from 5:00 p.m. to 9:30 p.m.:

- Front Street from Worth Street to Spring Street
- Spring Street from Front Street to Davis Street
- Davis Street from Spring Street to Worth Street
- Worth Street from Davis Street to Front Street
- Main Street from Davis Street to Front Street

- E) To approve a sub-lease agreement between the City of Burlington and Pet Adoption and Welfare Society (PAWS) for an affordable spay/neuter clinic located at 1919 South Church Street for an annual rental fee of \$1.00.

- F) To authorize investment accounts at BB&T and to authorize the City Clerk to attest the resolution.

- G) To approve a final plat of the Eric Lane Business Park Subdivision. The property is located at the end of the Eric Lane cul-de-sac approximately 1,200 feet southwest from the intersection of Interstate 85/40 and NC Highway 62 as shown on plans by Fleming Engineering, Inc., dated October 7, 2009, and containing five lots.

- H) Budget Amendment 2010-23 - Amend Project Safe Neighborhood Grant Project Ordinance

GOVERNOR'S CRIME COMMISSION - PROJECT SAFE NEIGHBORHOOD GRANT
PROJECT ORDINANCE
BA2010-23

(originally established with BA2008-24, amended with BA2009-13,
BA2009-17, and BA2010-11)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURLINGTON,
NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159, of the
General Statutes of North Carolina, the following project ordinance
is hereby adopted:

Sec. 1. The project authorized is the Project Safe Neighborhood
Initiative funded by the Governor's Crime Commission for
the City of Burlington, North Carolina.

Sec. 2. The officials of the City of Burlington are hereby
directed to proceed with this project within the budget
outlined in this project ordinance.

Sec. 3. The following revenues are anticipated to be available to
the City to complete the project:

525-33100-0000 State Grant-Reimbursement	\$93,181
525-33100-0001 State Grant-Reimbursement	22,392
525-33100-0002 State Grant-Reimbursement	4,773
525-33100-0003 State Grant-Reimbursement	9,780

Sec. 4. The following amounts are appropriated for the project:

525-40000-0400 Personnel Services-P/T	\$41,600
525-40001-0400 Personnel Services-P/T	20,800
525-40000-0500 FICA	3,183
525-40001-0500 FICA	1,592
525-40002-1200 Printing	4,773
525-50000-1400 Travel	5,200
525-50000-2600 Advertising	11,700
525-50000-3300 Departmental Supplies	26,898
525-50000-3390 Equipment Not Capitalized	4,600
525-50003-3300 Departmental Supplies	1,000
525-50003-1410 PSN Grant Transportation Costs	1,500
525-50003-1400 Meetings	2,500
525-50003-1200 Printing	4,780

Sec. 5. The Finance Director shall report on the financial status
of this project as directed by the City Council and shall
inform the Council of any unusual occurrences.

Sec. 6. Copies of this project ordinance shall be made available
to the Budget Officer and the Finance Director for

direction in carrying out this project.

Sec. 7. That this ordinance shall take effect upon passage.

I) Budget Amendment 2010-24 - CDBG - HOME Program - Loan Repayments

BA2010-24

Increase Revenues:

555-39398-0000 Appropriated Fund Balance \$22,922

Increase Expenditures:

555-50009-6910 Owner-Occupied Housing/Rehab City 2009 \$22,922

Upon motion by Councilmember Huffman, seconded by Councilmember Butler, it was resolved unanimously to approve the foregoing consent agenda.

UNFINISHED BUSINESS:

ITEM 2: REZONING - FLORA AVENUE

Mayor Wall announced that a public hearing had been continued to consider rezoning from R-6, Residential District, and R-9, Residential District, to O&I, Office-Institutional District, the property located on the north side of Flora Avenue as shown on Alamance County Tax Map 3-1-11 and Map 3-5, Lots 22, 22A and 23A. (Continued from the October 20, 2009, City Council meeting) (A valid protest petition had been received)

Mr. Charles Bateman, Bateman, Oertel & Koonts, PLLC, asked the Council to continue the public hearing to the November 17, 2009, City Council meeting.

Upon motion by Councilmember Huffman, seconded by Councilmember Sharpe, it was resolved unanimously to continue the public hearing to the November 17, 2009, City Council meeting.

NEW BUSINESS:

ITEM 3: PURCHASE OF RIGHT-OF-WAY EASEMENT - O'NEAL STREET WIDENING

PROJECT

Staff requested Council authorize the purchase of a right-of-way easement in the sum of \$15,800 in connection with the O'Neal Street widening project.

Mr. Lanny Rhew, City Engineer, stated that the City of Burlington and the North Carolina Department of Transportation had partnered to widen O'Neal Street in order to meet requirements by NCDOT and asked Council to approve the purchase of right-of-way easement in the sum of \$15,800.

Upon motion by Councilmember Huffman, seconded by Councilmember Butler, it was resolved unanimously to approve the purchase of right-of-way easement in the sum of \$15,800.

PUBLIC COMMENT PERIOD:

Ms. Jeanne Thompson stated that her church, Glen Raven Baptist Church was collecting food and clothing to give to the needy and asked the Council to support this program.

CITY COUNCIL COMMENTS:

City Manager Harold Owen reminded Council that the Traffic Commission would be meeting to hear the first request for street calming.

Fire Chief Jay Smith stated a fire broke out at the McMichael building today at 2037 South Church Street. There were no injuries but there was significant structural damage to the building.

ADJOURN:

Upon motion by Councilmember Huffman, seconded by Councilmember Butler, it was resolved unanimously to adjourn.
(7:23 PM)

Jondeen D. Terry
City Clerk